**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929**

**WP(C).No. 27946 of 2007(B)**

**PETITIONER:**

**SURESH K.K., PCK 5903, DISTRICT ARMED RESERVE, KOTTAYAM.**

**BY ADV. SRI.ELVIN PETER P.J.**

**RESPONDENTS:**

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE DIRECTOR GENERAL OF POLICE, POLICE HEADQUARTERS, THIRUVANANTHAPURAM.**
3. **THE SUPERINTENDENT OF POLICE, OFFICE OF THE DISTRICT SUPERINTENDENT OF POLICE, KOTTAYAM.**

* 4. **BINU K.JACOB, PCK 6103, DISTRICT ARMED RESERVE, KOTTAYAM. -D E L E T E D.**

* 5. **SRI.JOSEPH JOB, K5931, CHANGANASSERY POLICE STATION, CHANGANASSERY.- D E L E T E D.**

***RESPONDENTS 4 & 5 ARE DELETED AS PER ORDER ON I.A.NO.14206/07 DATED 29/10/2007.**

**BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

*KSS*

**WPC.NO.27946/2007 B**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

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|---|---|
| **EXF.P1:** | **COPY OF ORDER DTD. 13/07/2007 ISSUED BY THE 3RD RESPONDENT.** |
| **EXT.P2:** | **COPY OF THE ORDER DTD. 16/03/2007 OF THE 3RD RESPONDENT.** |
| **EXT.P2(A):** | **COPY OF THE FINAL SENIORITY LIST OF POLICE CONSTABLES (AR) OF KOTTAYAM DIST. AS ON 1.1.2006.** |
| **EXT.P3:** | **COPY OF THE ORDER G.O. DTD. 22/05/2007 ISSUED BY THE GOVT.** |
| **EXT.P4:** | **COPY OF THE ORDER DTD. 6/09/2007 IN WP(C) NO. 17133/2007 AND CONNECTED CASES OF THIS HON'BLE COURT.** |
| **EXT.P5:** | **COPY OF THE ORDER DTD. 20/06/2007 ISSUED BY THE 3RD RESPONDENT.** |

**/TRUE COPY/**

**P.S.TO JUDGE**

*KSS*

**ANTONY DOMINIC, J.**

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**W.P.(C) No. 27946 OF 2007 B**
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**Dated this the 29th October, 2007**

**J U D G M E N T**

Petitioner joined the District Armed Reserve Police as a Constable on 14-8-2000 while , one Sri. Binu K. Jacob joined the said unit on inter-district transfer much later, on 31-3-2003. It is submitted that transfer to local police is effected on the basis of the seniority and Exts. P2(a) is the final seniority maintained for that purpose. In terms of Ext. P2(a) while the petitioner is at Sl. No. 60 Sri. Binu K. Jacob is at Sl. No.165 and Sri.Joseph Job at Sl. No. 86. There was a long standing dispute among the members of the members of the District Armed Reserve Police and that question of seniority among them came to be considered by a Division Bench of this Court and Ext. P4 is the interim order passed after hearing all parties. By the said order, this Court accepted the contention that Rule 3 of the Special Rules governing their seniority did not contain any proviso, the effect

of which is that the transferees did not carry the seniority which they held prior to their joining the District Armed Reserve. It is submitted that without taking note of the same, on the basis of the position prevailing prior to Ext. P4 order, in Ext. P5, Sri.Joseph Job has been included for transfer reckoning his seniority prior to transfer. It is also submitted that although in Ext. P5 itself it is mentioned that there are four vacancies which are left unfilled it is only on account of the fact that a writ petition filed by Sri.Binu K. Jacob as WP(C) No. 27694/06 is pending before this Court disputing Ext.P2(a) seniority. Now in the light of Ext. P4 order, the petitioner seeks that his claim for transfer to local police should be considered reckoning the seniority as it is obtaining in Ext. P2(a) final seniority list.

2. I heard counsel for the petitioner and the learned Govt. Pleader. In view of Ext. P4 order vacating the stay granted in the dispute in relation to the seniority of the petitioner and similarly situated person, the seniority of the persons like the petitioner will have to be reckoned only in terms of

Ext. P2(a) final seniority list. If that be so, the eligibility for transfer has to be reckoned on that basis only. The fact that the writ petition has been filed by Sri.Binu K. Jacob as W.P.(C) No. 9957 of 2007 is of no consequence in as much as there is no interim order at present. In any case, Ext. P4 governs the conditions in that case as well.

3. Therefore, the 3rd respondent is directed to reckon the eligibility of the petitioner for transfer to local police based on the seniority as obtaining in Ext.P2(a) and on that basis consider his claims also for transfer. Petitioner's case for transfer shall be considered and final orders will be passed as expeditiously as possible, at any rate within four weeks of receipt of a copy of this judgment.

Writ petition is disposed of as above.

**ANTONY DOMINIC**
**JUDGE**

jan/-